

**EIGHTY-SECOND LEGISLATIVE DAY
FRIDAY, APRIL 1, 2005**

House of Representatives

The House convened at 10 a.m., the Speaker in the Chair.

Roll call showed 68 members present.

Absent and excused -- Bastian, Sayler. Total -- 2.

Total -- 70.

Prayer was offered by Representative Chadderdon.

The Pledge of Allegiance was led by Tara Ridinger, Page.

Approval of Journal

April 1, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Eighty-first Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the
Governor and the Senate**

OFFICE OF THE GOVERNOR
Boise

March 31, 2005

The Honorable Bruce Newcomb
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House Bill, to wit:

H 263

Very truly yours,
/s/ DIRK A. KEMPTHORNE
Governor

April 1, 2005

The Honorable Bruce Newcomb
Speaker of the House

Dear Mr. Speaker:

The Senate Conference Committee appointed to confer on **H 386**, as amended in the Senate, has met with the House Conference Committee on **H 386**, as amended in the Senate, and the Committees do jointly agree and recommend:

1. That **H 386**, as amended in the Senate, be returned to the Senate, and,

2. That the Senate recede from its former amendments to **H 386**, as amended in the Senate, and,

3. That **H 386** be amended in the Senate, as follows:

a. That the June 30, 2007, sunset clause on the increase in the tax upon cigarettes be removed from the bill so as to allow the increase to continue.

b. That 5.174 cents of the tax collected per package on cigarettes be appropriated to the public school income fund and 5.174 cents of the tax collected per package be appropriated to the department of juvenile corrections.

c. That on and after July 1, 2005, the compensation for affixing stamps on the face value of the stamps purchased by wholesalers shall be three and three tenths percent (3.3%), and further, that the amount of the compensation for affixing stamps be reviewed during the 2006 legislative session, after additional cost information is obtained.

d. That on and after July 1, 2005, distribution of tobacco tax revenues shall be as follows:
(1) 17.3% of the balance to the Permanent Building Fund.
(2) 0.4% of the balance to the central tumor registry.
(3) 1% of the balance to the cancer control account.

e. That 21.25% of the balance of the tobacco tax revenues shall be distributed to the general fund for the fiscal year 2006 only.

f. That for fiscal year 2006, all remaining tobacco tax revenue be distributed to the Economic Recovery Reserve Fund.

g. That for fiscal years on and after July 1, 2006, all remaining tobacco tax revenues be distributed to the Permanent Building Fund to be used for the repair, remodel and restoration of the state Capitol Building and state facilities pertaining to the Capitol restoration until such time as the Capitol restoration is adequately funded, as certified by the Director of the Department of Administration, and thereafter that all remaining tobacco tax revenues be distributed to the Economic Recovery Reserve Fund.

SENATORS

/s/ Dean Cameron
Dean Cameron

/s/ Hal Bunderson
Hal Bunderson

REPRESENTATIVES

/s/ Del Raybould
Del Raybould

/s/ Jim Clark
Jim Clark

/s/ Clint Stennett
Clint Stennett

/s/ Wendy Jaquet
Wendy Jaquet

Mr. Raybould asked unanimous consent that the report of the Conference Committee on **H 386** be adopted. Mrs. Barrett objected.

Mr. Raybould moved that the report of the Conference Committee on **H 386** be adopted. Seconded by Ms. Jaquet.

Mr. Clark asked unanimous consent that, pursuant to Rule 22, discussion of other bills be allowed in debate of the motion to adopt the Conference Committee report on **H 386**. There being no objection, it was so ordered.

The question being "Shall the motion pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Bayer, Bedke, Bell, Bilbao(Reynoldson), Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Deal, Denney, Edmunson, Ellsworth, Field(18), Field(23), Garrett, Hart, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Martinez, Miller, Mitchell, Moyle, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Mr. Speaker. Total -- 55.

NAYS -- Barrett, Crow, Eskridge, Harwood, Loertscher, Mathews, McGeachin, McKague, Nielsen, Sali, Schaefer, Wills, Wood. Total -- 13.

Absent and excused -- Bastian, Sayler. Total -- 2.

Total -- 70.

Whereupon the Speaker declared the motion passed, and the report of the Conference Committee **H 386** was adopted.

At this time, Mr. Denney took the Chair.

There being no objection, the House advanced to the Eighth Order of Business.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

S 1158, as amended, as amended in the House, by State Affairs Committee, was introduced, read the first time by title, and filed for second reading.

Second Reading of Bills and Joint Resolutions

SJM 111, **S 1173**, as amended, **SCR 119**, **SJM 112**, and **S 1191**, as amended, by State Affairs Committee, were read the second time by title and filed for third reading.

S 1147, as amended, by Education Committee, was read the second time by title and filed for third reading.

S 1235, **S 1236**, **S 1237**, and **S 1238**, by Finance Committee, were read the second time by title and filed for third reading.

H 145, as amended, as amended in the Senate, by Environment, Energy, and Technology Committee, was read the second time by title and filed for third reading.

H 110, as amended, as amended in the Senate, and **H 100**, as amended in the Senate, as amended in the Senate, by Revenue and Taxation Committee, were read the second time by title and filed for third reading.

H 291, as amended in the Senate, by State Affairs Committee, was read the second time by title and filed for third reading.

H 315, as amended in the Senate, by Education Committee, was read the second time by title and filed for third reading.

There being no objection, the House returned to the Fourth Order of Business.

Consideration of Messages from the Governor and the Senate

March 31, 2005

Mr. Speaker:

I return herewith enrolled **HCR 20**, **HCR 21**, **H 353**, **H 240**, **H 300**, **H 306**, as amended, as amended, **H 323**, as amended, **H 318**, **H 354**, **H 301**, **H 326**, **H 334**, **H 226**, **H 227**, **H 331**, **H 364**, **H 351**, **H 333**, **H 269**, **H 313**, **H 130**, as amended, as amended in the Senate, **H 92**, as amended in the Senate, **H 36**, as amended in the Senate, **H 37**, as amended in the Senate, and **H 281**, as amended in the Senate, which have been signed by the President.

WOOD, Secretary

Enrolled **H 353**, **H 240**, **H 300**, **H 306**, as amended, as amended, **H 323**, as amended, **H 318**, **H 354**, **H 301**, **H 326**, **H 334**, **H 226**, **H 227**, **H 331**, **H 364**, **H 351**, **H 333**, **H 269**, **H 313**, **H 130**, as amended, as amended in the Senate, **H 92**, as amended in the Senate, **H 36**, as amended in the Senate, **H 37**, as amended in the Senate, and **H 281**, as amended in the Senate, were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

Enrolled **HCR 20** and **HCR 21** were referred to the Judiciary, Rules, and Administration Committee for delivery to the Secretary of State.

April 1, 2005

Mr. Speaker:

I transmit herewith enrolled **S 1170**, as amended, **S 1198**, **S 1197**, as amended, **SJM 109**, **S 1229**, **S 1231**, **S 1232**, **S 1233**, **S 1234**, and **SCR 110** for the signature of the Speaker.

WOOD, Secretary

The Speaker Pro Tem announced that enrolled **S 1170**, as amended, **S 1198**, **S 1197**, as amended, **SJM 109**, **S 1229**, **S 1231**, **S 1232**, **S 1233**, **S 1234**, and **SCR 110** would be signed by the Speaker, and when so signed, ordered them returned to the

Senate.

April 1, 2005

Mr. Speaker:

I return herewith enrolled **HJM 8, H 325, H 377, H 378, H 379, H 380, H 381, H 382, H 383, H 384, H 385, H 350, H 365, H 376, HCR 26, HCR 16, HCR 18, HCR 22, HCR 23, HCR 25, H 230, H 336**, as amended, **H 388, H 389, H 390**, and **H 393** which have been signed by the President.

WOOD, Secretary

Enrolled **H 325, H 377, H 378, H 379, H 380, H 381, H 382, H 383, H 384, H 385, H 350, H 365, H 376, H 230, H 336**, as amended, **H 388, H 389, H 390**, and **H 393** were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

Enrolled **HJM 8, HCR 26, HCR 16, HCR 18, HCR 22, HCR 23**, and **HCR 25** were referred to the Judiciary, Rules, and Administration Committee for delivery to the Secretary of State.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mrs. Ellsworth moved that the House adjourn until 10 a.m., Monday, April 4, 2005. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker Pro Tem declared the House adjourned at 12:03 p.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk